

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No.: 15-CR-4268 JB

v.

ANGEL DELEON, et al.,

Defendants.

**MOTION TO COMPEL DISCOVERY AND INSPECTION OF DOCUMENTS AND
PHYSICAL EVIDENCE PURSUANT TO RULE 16**

Defendants Christopher Garcia through co-counsel, Amy Sirignano of the Law Office of Amy Sirignano, PC and Christopher W. Adams of the Law Office of Christopher W. Adams, and Carlos Herrera, through co-counsel Michael Davis, and Carey Bahalla, and Edward Troup, through co-counsel Cori Harbor-Valdez, and Patrick Burke, Alan Patterson, through counsel Jeff Lahan, and Conrad Villegas, through counsel BJ Crow, and Chris Chavez, through co-counsel John Granberg, and Orlando Mondragon, and Joe Gallegos, through co-counsel Brock Benjamin and Rick Sindel, and Daniel Sanchez, through co-counsel Amy Jacks, and Richard Jewkes, and Rudy Perez, through co-counsel Ryan Vill, and Justine Fox-Young, and Billy Garcia, through co-counsel James Castle, and Robert Cooper, and Atruro Arnulfo Garcia, through co-

counsel Bill Blackburn, and Scott Davidson, and Brandy Rodriguez, and counsel Jerry A. Walz, and Anthony Ray Baca, through co-counsel Teresa Duncan, and Marc Lowry, jointly move, pursuant to the Fifth, Sixth, and Eighth Amendments to the United States Constitution, and Fed. R. Crim. P. 16, this Court for an order requiring the government to immediately produce the evidence described herein.¹ In support of this Motion to Compel, joint defendants respectfully state:

PROCEDURAL BACKGROUND

In the Second Superseding Indictment, the defendants are charged with being members of the Sindicato de Nuevo Mexico (“SNM”) prison gang (Doc. 949).

Defendants Angel Deleon, Joe Lawrence Gallegos, Edward Troup, a.k.a. “Huero Troup,” Leonard Lujan, and Billy Garcia, a.k.a. “Wild Bill,” are charged with Count 1 alleging Violent Crimes in Aid of Racketeering (“VICAR”) (Murder), in violation of 18 U.S.C. § 1959(a)(1), and Aid and Abetting, in violation of 18 U.S.C. § 2. *Id.* Defendants Leonard Lujan, Billy Garcia, Eugene Martinez, a.k.a. “Little Guero,” Allen Patterson, and Christopher Chavez, a.k.a. “Critter,” are charged with Count 2 alleging Violent Crimes in Aid of Racketeering (“VICAR”) (Murder), in violation of 18 U.S.C. § 1959(a)(1), and Aid and Abetting, in violation of 18 U.S.C. § 2. *Id.*

Defendants Javier Alonso, a.k.a. “Wineo,” Edward Troup, Arturo Arnulfo Garcia, a.k.a. “Shotgun,” Benjamin Clark, a.k.a. “Cyclone,” and Ruben Hernandez are

¹ In case 15-CR-4268, all defendants not listed as joining do not oppose this motion.

charged in Count 3 alleging Violent Crimes in Aid of Racketeering (“VICAR”) (Murder), in violation of 18 U.S.C. § 1959(a)(1), and Aid and Abetting, in violation of 18 U.S.C. § 2. *Id.*

Defendants Joe Lawrence Gallegos and Andrew Gallegos, a.k.a. “Smiley,” are charged in Count 4: alleging Violent Crimes in Aid of Racketeering (“VICAR”) (Conspiracy to Murder), in violation of 18 U.S.C. § 1959(a)(5); and Count 5 alleging Violent Crimes in Aid of Racketeering (“VICAR”) (Murder), in violation of 18 U.S.C. § 1959(a)(1), and Aid and Abetting, in violation of 18 U.S.C. § 2. *Id.*

Defendants Jerry Armenta, a.k.a. “Creeper,” Jerry Montoya, a.k.a. “JR,” a.k.a. “Plaz,” Mario Rodriguez, a.k.a. “Blue,” Timothy Martinez, a.k.a. “Red,” Anthony Ray Baca, a.k.a. “Pup,” Mauricio Varela, a.k.a. “Archie,” a.k.a. “Hog Nuts,” Daniel Sanchez, a.k.a. “Dan Dan,” Carlos Herrera, a.k.a. “Lazy,” and Rudy Perez, a.k.a. “Ru Dog,” are charged in Count 6 alleging Violent Crimes in Aid Racketeering (“VICAR”) (Conspiracy to Murder), in violation of 18 U.S.C. § 1959(a)(5); and Count 7 alleging Violent Crimes in Aid of Racketeering (“VICAR”) (Murder), in violation of 18 U.S.C. § 1959(a)(1), and Aid and Abetting, in violation of 18 U.S.C. § 2. *Id.*

Defendants Anthony Ray Baca, Gerald Archuleta, a.k.a. “Styx,” a.k.a. “Grandma,” and Conrad Villegas, a.k.a. “Chitmon,” are charged in Count 8 alleging Violent Crimes in Aid of Racketeering (“VICAR”) (Conspiracy to Commit Assault Resulting in Serious Bodily Injury), in violation of 18 U.S.C. § 1959(a)(6). *Id.*

Defendants Anthony Ray Baca, Roy Martinez, a.k.a. "Shadow," and Robert Martinez, a.k.a. "Baby Rob," are charged in Count 9 alleging Violent Crimes in Aid of Racketeering ("VICAR") (Conspiracy to Murder), in violation of 18 U.S.C. § 1959(a)(5). *Id.*

In Count 10, defendants Anthony Ray Baca, Roy Martinez, and Christopher Garcia are alleged to have committed Violent Crimes in Aid of Racketeering ("VICAR") (Conspiracy to Murder), in Violation of 18 U.S.C. § 1959 (a)(5). *Id.* In Counts 11 and 12, Christopher Garcia was charged with Count 11: Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1); and Count 12: Using and Carry a Firearm During and in Relation to a Crime of Violence, in violation of 18 U.S.C. § 924(c). *Id.*

In Count 13, Joe Lawrence Gallegos is alleged to have committed Violent Crimes in Aid of Racketeering ("VICAR") (Assault with Dangerous Weapon), in violation of 18 U.S.C. § 1959(a)(3), and Aid and Abetting, in violation of 18 U.S.C. § 2. *Id.*

Defendants Joe Lawrence Gallegos, Santo Gonzalez, Paul Rivera, Shauna Gutierrez, and Brandy Rodriguez are charged in Count 14: alleging Violent Crimes in Aid of Racketeering ("VICAR") (Conspiracy to Murder), in violation of 18 U.S.C. § 1959(a)(5); and Count 15: alleging Violent Crimes in Aid of Racketeering ("VICAR") (Attempted Murder, Assault Resulting in Serious Bodily Injury, and Assault with Dangerous Weapon), in violation of 18 U.S.C. § 1959(a)(3), and Aid and Abetting, in

violation of 18 U.S.C. § 2; and Count 16: alleging Witness Tampering, in violation of 18 U.S.C. § 1512, and Aid and Abetting, in violation 18 U.S.C. § 2. *Id.*

As charged in the Second Superseding Indictment in 15-CR-4268,² the government must prove that the SNM gang is a racketeering enterprise, pursuant to 18 U.S.C. §§ 1959(a), (b)(2), specifically, “a group of individuals associated in fact that engaged in, and the activities of which affected interstate and foreign commerce.” (Doc. 919 ¶ 2). Accordingly, Mr. C. Garcia and defendants Mr. Herrera, Mr. Troup, Mr. Patterson, Mr. Villegas, Mr. Chavez, Mr. Gallegos, Mr. Sanchez, Mr. Perez, Mr. B. Garcia, Ms. Rodriguez, and Mr. Baca who have joined this motion demand the following discovery regarding the first 14 paragraphs of the Second Superseding Indictment, to properly ascertain and understand the government’s discovery regarding the SNM prison gang “enterprise,” prior to the January 29, 2018 trial setting for Counts 6 through 12 (Doc. 1205).

DISCOVERY REQUESTS

Pursuant to Fed. R. Crim. P. 16, the Defendants requests the complete disclosure of the following information:

1. The government’s Second Superseding Indictment alleges that **ANGEL DELEON, JOE LAWRENCE GALLEGOS, EDWARD TROUP, a.k.a. “Huero Troup,”**

² The first 14 paragraphs of 16-CR-1613 are identical to the first 14 paragraphs of 15-CR-4268. *Compare* Doc. 949, 15-CR-4268 with Doc. 372, 16-CR-1613.

LEONARD LUJAN, BILLY GARCIA, a.k.a. "Wild Bill," EUGENE MARTINEZ, a.k.a. "Little Guero," ALLEN PATTERSON, CHRISTOPHER CHAVEZ, a.k.a. "Critter," JAVIER ALONSO, a.k.a. "Wineo," ARTURO ARNULFO GARCIA, a.k.a. "Shotgun," BENJAMIN CLARK, a.k.a. "Cyclone," RUBEN HERNANDEZ, JERRY ARMENTA, a.k.a. "Creeper," JERRY MONTOYA, a.k.a. "JR," a.k.a. "Plaz," MARIO RODRIGUEZ, a.k.a. "Blue," TIMOTHY MARTINEZ, a.k.a. "Red," ANTHONY RAY BACA, a.k.a. "Pup," ROBERT MARTINEZ, a.k.a. "Baby Rob," ROY PAUL MARTINEZ, a.k.a. "Shadow," MAURICIO VARELA, a.k.a. "Archie," a.k.a. "Hog Nuts," DANIEL SANCHEZ, a.k.a. "Dan Dan," GERALD ARCHULETA, a.k.a. "Styx," a.k.a. "Grandma," CONRAD VILLEGAS, a.k.a. "Chitmon," CHRISTOPHER GARCIA, CARLOS HERRERA, a.k.a. "Lazy," RUDY PEREZ, a.k.a. "Ru Dog," ANDREW GALLEGOS, a.k.a. "Smiley," SANTOS GONZALES, PAUL RIVERA, SHAUNA GUTIERREZ, and BRANDY RODRIGUEZ, (hereinafter collectively referred to as "Defendants") were members, prospects, and associates of the Syndicato of Nuevo Mexico Gang ("SNM"), a criminal organization whose members/prospects/associates engaged in acts of violence and other criminal activities, including, murder, kidnapping, attempted murder, conspiracy to manufacture and distribute narcotics, and firearms trafficking (Doc. 949 at ¶ 1). The Second Superseding indictment alleges, that SNM, including its leadership, members, prospects and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), stating a group

of individuals associated in fact that engaged in, and the activities of which affected, interstate and foreign commerce. *Id.* at ¶ 2. It further alleges that the enterprise constituted an ongoing organization whose members/ prospects/associates functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. *Id.* at ¶ 2.

2. Accordingly, the Defendants', pursuant to Rule 16, *Brady v. Maryland*, 373 U.S. 83 (1963), *Jencks v. United States*, 353 U.S. 657 (1957), *Giglio v. United States*, 405 U.S. 150 (1972), *Kyles v. Whitley*, 524 U.S. 419 (1995), among others, demand that the government immediately provide evidence of the itemized requests based on the allegations set forth in the Second Superseding Indictment, paragraphs 1-14, regarding the defendants' alleged participation and alleged involvement in a "racketeering enterprise" as co-conspirators, individually, and collectively. *See United States v. Kamahale*, 748 F. 3d 984, 1002-003 (10th Cir. 2014) (defining racketeering and setting out the elements required to prove the term "enterprise").

3. Accordingly, the defendants' demands for discovery and evidence, outlined below, paragraph by paragraph, for paragraphs 1-14, respectfully and immediately demand the following discovery. The period of time for this request is from the early 1980s (before the Penitentiary of New Mexico prison riots) (Doc. 949, ¶ 3), to the present:

**SECOND SUPERSEDING INDICTMENT PARAGRAPHS ONE THROUGH
FOURTEEN: MATERIALS SUPPORTING ALLEGATIONS THAT SNM GANG**

ENGAGED IN ILLEGAL ACTS AND ACTED AS AN ENTERPRISE

4. Any written or recorded statements made by the Defendants that are known or through the exercise of due diligence should be or may become known to the government to be in the possession, custody or control of the United States or which by due diligence can be obtained from its agents or any other responsible persons.³ This request includes, without limitation:

- a. All recorded telephone calls involving the Defendants and their role with the SNM to engage in acts of violence and other criminal activities including, murder, kidnapping, attempted murder, conspiracy to manufacture/distribute narcotics and firearms trafficking, including those made in the District of New Mexico and elsewhere and while any of the Defendants were incarcerated in any local, state or federal detention facility. *Id.* at ¶ 1;
- b. Written or recorded statements of any witness that reflect, relate or incorporate any statements allegedly made by the Defendants. *Id.* at ¶ 1;
- c. All correspondence by the Defendants involving their role in the SNM

³ The term “any other responsible persons” means any person involved, in any manner, federal, state, or local, with the investigation of the alleged crimes or the preparation or presentation of this prosecution. This term includes, but is not limited to the following government law enforcement agencies: The United States’ Attorney’s Office for the District of New Mexico, The United States Department of Justice, the Federal Bureau of Investigation, the Albuquerque Police Department, the Bernalillo County Sheriff’s Department, the New Mexico Department of Corrections, the Metropolitan Detention Center, and any and all other task force officers and agencies not itemized herein working on this prosecution.

gang to engage in acts of violence and other criminal activities including kidnapping, attempted murder, conspiracy to manufacture/distribute narcotics and firearms trafficking, including any correspondence made while any of the Defendants were incarcerated in any local, state or federal detention facility. *Id.* at ¶ 1, 2, 5;

d. All documents that reflect, relate or incorporate the substance of oral statements made by the Defendants and their role with the SNM gang, whether inculpatory or exculpatory, in any way relevant to the alleged crimes in the superseding indictment or the events leading up to the alleged crimes whether volunteered in response to questions, directions or communications of any kind. *Id.* at ¶ 1, 2;

e. All documents that reflect or relate behavior observed of the Defendants, known by the government, available by the exercise of due diligence or made to any responsible persons, purportedly in response to questioning or interrogation by any person acting in the capacity as an agent of, or at the direction of, the government. *Id.* at ¶ 1, 8, 12(d);

f. All documents or portion of documents containing substance of any relevant oral statement made by Defendants before or after the arrest of the Defendant(s) who made the statement in response to interrogation by a person the defendant knew was a government agent. *Id.* at ¶ 1, 8, 12(d);

- g. All correspondence by the Defendants conveying orders to and from SNM Gang members and associates inside and outside the prison system including, any founds secret notes called “kites,” or “welas,” coded letters, and messages convey to alleged complicit. *Id.* at ¶ 5;
- h. All recorded telephone calls involving Defendants concerning the expectation of SNM Gang members to remain loyal before, during and after imprisonment, further goals of the SNM Gang outside the prison environment, discussing discipline members and associates for failing to show loyalty to the gang. *Id.* at ¶ 5;
- i. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants to assist, aid, encourage in the SNM Gang’s control and profit of narcotics trafficking. *Id.* at ¶ 5;
- j. All documents or portion of documents containing substance of any relevant oral statements made by Defendants intimidating, influencing and otherwise exerting control on smaller New Mexico Hispanic gangs to establish a larger network of SNM’s illegal activities. *Id.* at ¶ 6;
- k. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants about asserting control and influence over New Mexico Hispanic gang members outside the penal system in order to protect fellow gang members from the SNM inside the penal system. *Id.*

at ¶ 6;

l. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants about engaging in a fierce and violent war with rival gangs and their territory including but not limited to Barrio Azteca, Los Carnales, Sureños, and Burqueños gangs inside and outside of the New Mexico penal system. *Id.* at ¶ 7;

m. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants concerning engaging in violence or attacks on rival gang members and their territory including members inside and outside of the New Mexico penal system. *Id.* at ¶ 7, 8;

n. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants concerning beating and stabbing rival gang members resulting in death. *Id.* at ¶ 7, 8;

o. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants concerning fighting for control territory in order to conduct narcotics trafficking and other crimes, as well as recruiting and influencing non-gang members. *Id.* at ¶ 7;

p. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants concerning engaging in violence to assert gang identity, claim or protect SNM gang territory, to

challenge or respond to challenges, to retaliate against rival gang members, to gain notoriety and show superiority and to send a message to others that the SNM gang is strong, powerful and not to be provoked. *Id.* at ¶ 7;

q. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants seeking to maintain its reputation for being strong and powerful in prison and on the streets of New Mexico. *Id.* at ¶ 8;

r. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants aiding in the efforts to maintain its reputation as being strong and powerful in prisons and on New Mexico streets. *Id.* at ¶ 8;

s. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants of SNM Gang's large membership and reputation for being strong, powerful and dominant cause intimidation among rival gangs, deter challenges and cause intimidation among victims/witnesses from assisting authorities in prosecution against SNM gang. *Id.* at ¶ 8;

t. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants that the SNM Gang grew in strength, thrived in its criminal activity and dominated its territory as result of its

reputation. *Id.* at ¶ 8;

u. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants that SNM Gang members sought out, beat, stabbed or shot rival gang members in order to maintain SNM reputation. *Id.* at ¶ 8;

v. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants that SNM Gang members sought out, beat, stabbed or shot rival gang members in order to maintain SNM reputation. *Id.* at ¶ 8;

w. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants of SNM gang members encouraging fellow members to maintain SNM reputation by seeking out and beating, stabbing, shooting rival gang members. *Id.* at ¶ 8;

x. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants of SNM Gang members confronting and attacking suspected law enforcement informants, cooperating witnesses, homosexuals, or sex offenders. *Id.* at ¶ 8;

y. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants claiming the entire state of New Mexico as SNM Gang territory or one it four geographical regions: North,

South, East, and West. *Id.* at ¶ 9;

z. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants of SNM Gang members commonly using “19,” “505,” “S,” “SNM,” the Zia symbol, and the Spanish word “Syndicato” in tattoos, graffiti, drawings, and on clothing, as a way of displaying affiliation, loyalty, and commitment to the gang. *Id.* at ¶ 9;

aa. All documents or portion of documents containing substance of any relevant oral statements made by **ARTURO ARNULFO GARCIA, a.k.a. “Shotgun,” GERALD ARCHULETA, a.k.a “Styx,” a.k.a. “Grandma,” BENJAMIN CLARK, a.k.a. “Cyclone,” MARIO RODRIGUEZ, a.k.a. “Blue,” ANTHONY RAY BACA, a.k.a. “Pup,” ROBERT MARTINEZ, a.k.a. “Baby Rob,” ROY PAUL MARTINEZ, a.k.a. “Shadow,” DANIEL SANCHEZ, a.k.a. “Dan Dan,”** that demonstrates or shows these named Defendants were were leaders of the SNM enterprise directing or delegating the power to direct other members of SNM enterprise in order to carry out unlawful and other activities in furtherance to SNM enterprise affairs. *Id.* at ¶ 10;

bb. All documents or portion of documents containing substance of any relevant oral statements made by **ANGEL DELEON, JOE LAWRENCE GALLEGOS, EDWARD TROUP, a.k.a. “Huero Troup,” LEONARD LUJAN, BILLY GARCIA, a.k.a. “Wild Bill,” EUGENE MARTINEZ, a.k.a. “Little**

Guero," ALLEN PATTERSON, CHRISTOPHER CHAVEZ, a.k.a. "Critter," JAVIER ALONSO, a.k.a. "Wineo," RUBEN HERNANDEZ, JERRY ARMENTA, a.k.a. "Creeper," JERRY MONTTOYA, a.k.a. "Boxer," TIMOTHY MARTINEZ, a.k.a. "Red," MAURICIO VARELA, a.k.a. "Archie," a.k.a. "Hog Nuts," CONRAD VILLEGAS, a.k.a. "Chitmon," CHRISTOPHER GARCIA, CARLOS HERRERA, a.k.a. "Lazy," Rudy Perez, a.k.a. "Ru Dog," ANDREW GALLEGOS, a.k.a. "Smiley," SANTOS GONZALES, PAUL RIVERA, and SHAUNA GUTIERREZ and BRANDY RODRIGUEZ, that demonstrates or shows they were members or associates of SNM, who participated in unlawful and other activities in furtherance of the conduct of the enterprise's affairs. *Id.* at 11;

cc. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants about the purpose of the SNM Gang is to preserve and protect the power, territory, reputation, and profits of the enterprise through the use of intimidation, violence, threats of violence, assaults, and murder. *Id.* at ¶ 12(a);

dd. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants about the purpose of the SNM Gang promoting and enhancing the enterprise and the activities of its members and associates through criminal acts, including, but not limited to,

murder, attempted murder, narcotics trafficking, theft of vehicles, robberies, and other criminal activities. *Id.* at ¶ 12(b);

ee. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants about of the purpose of the SNM Gang to keep victims, potential victims, witnesses, and community members in fear of the enterprise and its members and associates through violence and threats of violence. *Id.* at ¶ 12(c);

ff. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants about the purpose of the SNM Gang to protect the enterprise's members and associates who committed crimes by hindering, obstructing, and preventing law enforcement officers from identifying the offenders, apprehending the offenders, and successfully prosecuting and punishing the offenders. *Id.* at ¶ 12(d);

gg. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants about the purpose of the SNM Gang providing information to members and associates of the enterprise, including those who were incarcerated, for the purpose of committing acts of violence, robbery, distribution of controlled substances, and other offenses. *Id.* at ¶ 12(e);

hh. All documents or portion of documents containing substance of

any relevant oral statements made by the Defendants about the purpose of the SNM Gang to provide financial support and information to SNM Gang members and associates, including those members and associates who were incarcerated *Id.* at ¶ 12(f);

ii. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants of the means and methods by which the Defendants and SNM Gang members and associates of the enterprise committed, conspired, attempted, and threatened to commit acts of violence, including murders and assaults, to protect and expand the enterprise's criminal operations. *Id.* at ¶ 13(a);

jj. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants of the means and methods by which the Defendants and SNM Gang members and associates of the enterprise generated income by trafficking in controlled substances and extorting narcotic traffickers. *Id.* at ¶ 13(b);

kk. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants of the means and methods by which the Defendants and SNM Gang members and associates of the enterprise perpetuated the enterprise by discussing the membership rules, and enforcement of the rules of the SNM Gang; the status of the SNM Gang members

and associates who were arrested or incarcerated; the discipline of SNM Gang members; SNM Gang members' encounters with law enforcement and the proposed actions to be taken against them; and plans and agreements regarding the commission of future crimes, including murder, drug distribution, possession of firearms, and assault, as well as ways to conceal these crimes. *Id.* at 13(c);

ll. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants of the means and methods by which the Defendants and SNM Gang members and associates of the enterprise concealed from law enforcement the way in which the enterprise conducts its affairs; the locations where the enterprise members discussed and conducted the affairs; the locations where enterprise members discussed and conducted the affairs of the enterprise; the locations where enterprise members stored and possessed weapons and narcotics; and the locations where enterprise members maintained the proceeds from narcotics trafficking. *Id.* at 13(d);

mm. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants of the means and methods by which the Defendants and SNM Gang members and associates of the enterprise used violence to impose discipline within the SNM Gang. *Id.* at 13(e);

nn. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants of the means and methods

by which the Defendants and SNM Gang members and associates of the enterprise agreed to distribute narcotics and commit other crimes, and to conceal their criminal activities by obstructing justice, threatening and intimidating witnesses, and other means. *Id.* at ¶ 13(e);

5. All documents or portion of documents containing substance of any relevant oral statements made by the Defendants of the means and methods by which the Defendants and SNM Gang enterprise, including members and associates, engaged in racketeering activity as defined in 18 U.S.C. §§ 1959(b)(1) and 1961(1), acts and threats involving murder and robbery in violation of New Mexico law, acts indictable under 18 U.S.C. §§ 1503, 1512, and 1513 involving obstruction of justice, tampering with or retaliating against witness, victim, or an informant, and offenses involving trafficking in narcotics in violation of 21 U.S.C. §§ 841 and 846. *Id.* at ¶ 14.

**SECOND SUPERSEDING INDICTMENT PARAGRAPH FIVE: MATERIALS
ALLEGING SNM GANG LEADERS CONTROLLED MEMBERS
AND ASSOCIATES**

6. **Documents and Objects Related to Defendants Prior Record (FED. R. CRIM. P. 16(a)(1)(D)).** Un-redacted copies of all books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items relating to the Defendants prior criminal record pursuant Fed. R. Crim. P. 16(a)(1)(D), or relating to Defendants' reputation, including without limitation Defendants' reputation for honesty, truthfulness, violence or mental illness. This

request includes, without limitation:

a. All correspondence by the Defendants, while previously imprisoned, involving orders from and to SNM Gang members and associates inside and outside the prison system including any founds secret notes called “kites,” or “welas,” coded letters, and messages convey to alleged complicit visitors. *Id.* at ¶ 5;

**SECOND SUPERSEDING INDICTEMENT PARAGRAPHS ONE THROUGH
FOURTEEN: DOCUMENTS CONTAINING ALLEGATIONS COMMITTED BY
THE SNM GANG AND ITS MEMBERS**

7. **Documents and Objects (Fed. R. Crim. P. 16(a)(1)(E)(I) & (II)).** Unredacted copies of all books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items thereof, that are relevant, material or exculpatory and therefore necessary to the preparation of an adequate defense or that the government intends to use in its case-in-chief at trial. This request includes, but is not limited to all evidence collected during the investigation of the offenses charged in the Superseding Indictment, which are in possession of law enforcement agencies described in footnote 1 of this motion. This request includes, without limitation:

a. All documents or portion of documents containing substance of any relevant statements involving SNM leaders, members, prospects and associates that are known or through the exercise of due diligence should be or

may become known to the government to be in the possession, custody or control of the United States or which by due diligence can be obtained from its agents or any other responsible persons. *Id.* at ¶ 1;

b. All documents or portion of documents containing substance of any relevant statements involving the SNM enterprise including statements by SNM leadership, members, prospects and associates engaged in activities which affected interstate and foreign commerce. *Id.* at ¶ 2;

c. All documents that reflect or relate behavior observed of the SNM, including leaders, members, prospects, and associates, acting, engaging and functioning as an enterprise constituting an ongoing organization with a common purpose of achieving objective of the enterprise known by the government, available by the exercise of due diligence or made to any responsible persons, purportedly in response to questioning or interrogation by any person acting in the capacity as an agent of, or at the direction of, the government *Id.* at ¶ 1, 2;

d. All documents or portions of documents, data, or photographs containing substance of any relevant discussion of the SNM Gang controlling drug distribution and other illegal activities within the New Mexico penal system and street level trafficking of narcotics. *Id.* at ¶ 3;

e. All documents or portions of documents containing substance of

any relevant discussion that the SNM Gang was formed in the early 1980s at the Penitentiary of New Mexico after a prison riot at the penitentiary in February, 1980, including documents relating to twelve correctional officers taken hostage, seriously assaulted and raped by inmates, thirty-three inmates killed during the riot, and two hundred injured. *Id.* at ¶ 3;

f. All documents or portions of documents, data, or photographs containing substance of any relevant discussing SNM Gang expansion in New Mexico to as many as 500 members during the early 1980s. *Id.* at ¶ 4;

g. All documents or portions of documents, data or photographs containing substance of any relevant discussion that the SNM gang was comprised of approximately 250 members who are known as “hermanos,” “brothers,” “carnales,” “dons,” jefes,” “big hommies,” or “Zia manos.” *Id.* at ¶ 4;

h. All documents that reflect or relate behavior observed of the approximately 250 SNM gang members known as “hermanos,” “brothers,” “carnales,” “dons,” jefes,” “big hommies,” or “Zia manos.” *Id.* at ¶ 4;

i. All documents or portions of documents, data or photographs containing substance of any relevant discussion of statements made by or actions by SNM leaders that leaders operated under a “panel” or mesa” in order to issue orders to subordinate gang members. *Id.* ¶ 4;

j. All documents that reflect or relate behavior observed of SNM leaders

operating under a “panel” or mesa” in order to issue orders to subordinate gang members. *Id.* ¶ 4;

k. All paper, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM Gang leaders conveying orders to SNM Gang members and associates inside and outside the prison system including any founds secret notes called “kites,” or “welas,” coded letters, and messages convey to alleged complicit visitors. *Id.* at ¶ 5;

l. All documents that reflect or relate behavior observed of SNM leaders conveying orders to SNM Gang members and associates inside and outside the prison system including any founds secret notes called “kites,” or “welas,” coded letters, and messages convey to alleged complicit visitors. *Id.* at ¶ 5;

m. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM Gang members or associates working to further the goals of the SNM Gang outside the prison environment. *Id.* at ¶ 5;

n. All documents that reflect or relate behavior observed of SNM Gang members or associates, who completed a prison sentence, rejoining their communities and remaining loyal to the SNM Gang by working to further goals of the SNM Gang outside the prison environment. *Id.* at ¶ 5;

o. All papers, documents or portions of documents, data or photographs

containing substance of any relevant discussion of disciplined SNM Gang members or associates who were disciplined, murdered or assaulted for failing to demonstrate continued loyalty to SNM gang upon release from prison. *Id.* at ¶ 5;

p. All documents that reflect or relate behavior observed of SNM Gang members or associates disciplining, being disciplined, or who were disciplined, murdered or assaulted for failing to demonstrate continued loyalty to SNM gang upon release from prison. *Id.* at ¶ 5;

q. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion SNM Gang efforts and activity to control and profit from narcotics trafficking. *Id.* at ¶ 5;

r. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion that SNM Gang intimidated, influenced and otherwise exerted control on smaller New Mexico Hispanic gangs to establish a larger network of SNM's illegal activities. *Id.* at ¶ 6;

s. All documents that reflect or relate behavior observed of SNM Gang members intimidating, influencing and otherwise exerting control on smaller New Mexico Hispanic gangs to establish a larger network of SNM's illegal activities. *Id.* at ¶ 6;

t. All papers, documents or portions of documents, data or photographs

containing substance of any relevant discussion of SNM Gang members assaulting or killing New Mexico Hispanic gang members not in custody and members who were incarcerated in the New Mexico penal system. *Id.* at ¶ 6;

u. All documents that reflect or relate behavior observed of SNM Gang members assaulting or killing New Mexico Hispanic gang members not in custody and members who were incarcerated in the New Mexico penal system. *Id.* at ¶ 6;

v. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of New Mexico Hispanic gang, members and associates inside and outside the penal system expressing knowledge they would need or fellow gang members would need the protection of SNM Gang while incarcerated in the New Mexico penal system. *Id.* at ¶ 6;

w. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM Gang members asserting control and influence over New Mexico Hispanic gang members outside the penal system in order to protect fellow gang members inside the penal system from the SNM. *Id.* at ¶ 6;

x. All documents that reflect or relate behavior observed of SNM Gang members asserting control and influence over New Mexico Hispanic gang members outside the penal system in order to fellow protect gang members

inside the penal system from the SNM. *Id.* at ¶ 6;

y. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM Gang engaging in a fierce and violent war with rival gangs including but not limited to Barrio Azteca, Los Carnales, Sureños, and Burqueños gangs. *Id.* at ¶ 7;

z. All documents that reflect or relate behavior observed of SNM Gang members engaging in a fierce and violent war with rival gangs including but not limited to Barrio Azteca, Los Carnales, Sureños, and Burqueños gangs. *Id.* at ¶ 7;

aa. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM gang members using and engaging in violence or attacks on rival gang members and their territory including members inside and outside of the New Mexico penal system. *Id.* at ¶ 7;

bb. All documents that reflect or relate behavior observed of SNM Gang members using and engaging in violence or attacks on rival gang members and their territory including members inside and outside of the New Mexico penal system. *Id.* at ¶ 7;

cc. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM gang members beating and stabbing rival gang members resulting in death. *Id.* at ¶ 7;

dd. All documents that reflect or relate behavior observed of SNM Gang members beating and stabbing rival gang members resulting in death. *Id.* at ¶ 7;

ee. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM gang members fighting for control territory in order to conduct narcotics trafficking and other crimes, as well as recruiting and influencing non-gang members. *Id.* at ¶ 7;

ff. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM gang members and associates engaging in violence to assert gang identity, claim or protect SNM gang territory, to challenge or respond to challenges, to retaliate against rival gang members, to gain notoriety and show superiority and to send a message to others that the SNM gang is strong, powerful and not to be provoked. *Id.* at ¶ 7;

gg. All documents that reflect or relate behavior observed of SNM Gang members and associates engaging in violence to assert gang identity, claim or protect SNM gang territory, to challenge or respond to challenges, to retaliate against rival gang members, to gain notoriety and show superiority and to send a message to others that the SNM gang is strong, powerful and not to be provoked. *Id.* at ¶ 7;

hh. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM gang members sought to

maintain its reputation for being strong and powerful in prison and on the streets of New Mexico. *Id.* at ¶ 8;

ii. All documents that reflect or relate behavior observed of SNM Gang members seeking to maintain its reputation for being strong and powerful in prison and on the streets of New Mexico. *Id.* at ¶ 8;

jj. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM gang members' efforts to maintain its reputation as being strong and powerful in prisons and on New Mexico streets. *Id.* at ¶ 8;

kk. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of rival gangs members challenging, assaulting, and taking SNM Gang territory due to perceived weakness of the SNM Gang. *Id.* at ¶ 8;

ll. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of rival gangs challenging, assaulting, and took or attempted to take territory from SNM gang. *Id.* at ¶ 8;

mm. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of rival gang members and associates discussing SNM Gang's perceived weakness and possible challenge, assault and attempt to take SNM gang territory. *Id.* at ¶ 8;

nn. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM Gang's large membership and reputation for being strong, powerful and dominant cause intimidation among rival gangs, deter challenges and cause intimidation among victims/witnesses from assisting authorities in prosecution against SNM gang. *Id.* at ¶ 8;

oo. All documents that reflect or relate behavior observed of the SNM Gang's large membership and reputation for being strong, powerful and dominant cause intimidation among rival gangs, deter challenges and cause intimidation among victims/witnesses from assisting authorities in prosecution against SNM gang. *Id.* at ¶ 8;

pp. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of victims and witnesses not assisting authorities prosecute SNM gang members as a result of SNM gang's reputation. *Id.* at ¶ 8;

qq. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of rival gangs being intimidated or otherwise deterred from challenging SNM gang due to its reputation. *Id.* at ¶ 8;

rr. All papers, documents or portions of documents, data or photographs

containing substance of any relevant discussion that the SNM Gang grew in strength, thrived in its criminal activity and dominated its territory as result of its reputation. *Id.* at ¶ 8;

ss. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion SNM Gang members sought out, beat, stabbed or shot rival gang members in order to maintain SNM reputation. *Id.* at ¶ 8;

tt. All documents that reflect or relate behavior observed of the SNM Gang members sought out, beat, stabbed or shot rival gang members in order to maintain SNM reputation. *Id.* at ¶ 8;

uu. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM gang members encouraging fellow members to maintain SNM reputation by seeking out and beating, stabbing, shooting rival gang members. *Id.* at ¶ 8;

vv. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM Gang members confronting and attacking suspected law enforcement informants, cooperating witnesses, homosexuals, or sex offenders. *Id.* at ¶ 8;

ww. All documents that reflect or relate behavior observed of the SNM Gang members confronting and attacking suspected law enforcement

informants, cooperating witnesses, homosexuals, or sex offenders. *Id.* at ¶ 8;

xx. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM Gang members identifying themselves with the Zia symbol and the letters “SNM” or “S” as manner represent themselves as “Sydicato de Nuevo Mexico,” or using the number “19” to represent the 19th letter of the alphabet “S,” or “505” corresponding with the greater Albuquerque area code. *Id.* at ¶ 9;

yy. All documents that reflect or relate behavior observed of the SNM Gang members identifying themselves with the Zia symbol and the letters “SNM” or “S” as manner represent themselves as “Sydicato de Nuevo Mexico,” or using the number “19” to represent the 19th letter of the alphabet “S,” or “505” corresponding with the greater Albuquerque area code. *Id.* at ¶ 9;

zz. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of SNM Gang members claiming the entire state of New Mexico as its territory or one it four geographical regions: North, South, East, and West. *Id.* at ¶ 9;

aaa. All documents that reflect or relate behavior observed of the SNM Gang members claiming the entire state of New Mexico as its territory or one it four geographical regions: North, South, East, and West. *Id.* at ¶ 9;

bbb. All papers, documents or portions of documents, data or

photographs containing substance of any relevant discussion of SNM Gang members commonly using “19,” “505,” “S,” “SNM,” the Zia symbol, and the Spanish word “Syndicato” in tattoos, graffiti, drawings, and on clothing, as a way of displaying affiliation, loyalty, and commitment to the gang. *Id.* at ¶ 9;

ccc. All documents that reflect or relate behavior observed of the SNM Gang members commonly using “19,” “505,” “S,” “SNM,” the Zia symbol, and the Spanish word “Syndicato” in tattoos, graffiti, drawings, and on clothing, as a way of displaying affiliation, loyalty, and commitment to the gang. *Id.* at ¶ 9;

ddd. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the purpose of the SNM Gang is to preserve and protect the power, territory, reputation, and profits of the enterprise through the use of intimidation, violence, threats of violence, assaults, and murder. *Id.* at ¶ 12(a);

eee. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the purpose of the SNM Gang promoting and enhancing the enterprise and the activities of its members and associates through criminal acts, including, but not limited to, murder, attempted murder, narcotics trafficking, theft of vehicles, robberies, and other criminal activities. *Id.* at ¶ 12(b);

fff. All papers, documents or portions of documents, data or photographs

containing substance of any relevant discussion of the purpose of the SNM Gang to keep victims, potential victims, witnesses, and community members in fear of the enterprise and its members and associates through violence and threats of violence. *Id.* at ¶ 12(c);

ggg. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the purpose of the SNM Gang to protect the enterprise's members and associates who committed crimes by hindering, obstructing, and preventing law enforcement officers from identifying the offenders, apprehending the offenders, and successfully prosecuting and punishing the offenders. *Id.* at ¶ 12(d);

hhh. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the purpose of the SNM Gang providing information to members and associates of the enterprise, including those who were incarcerated, for the purpose of committing acts of violence, robbery, distribution of controlled substances, and other offenses. *Id.* at ¶ 12(e);

iii. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the purpose of the SNM Gang to provide financial support and information to SNM Gang members and associates, including those members and associates who were incarcerated. *Id.* at

12(f);

jjj. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the means and methods of the SNM Gang members and associates of the enterprise committed, conspired, attempted, and threatened to commit acts of violence, including murders and assaults, to protect and expand the enterprise's criminal operations. *Id.* at ¶ 13(a);

kkk. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the means and methods of the SNM Gang members and associates of the enterprise to generate income by trafficking in controlled substances and extorting narcotic traffickers. *Id.* at ¶ 13(b);

lll. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the means and methods of the SNM Gang members and associates of the enterprise to perpetuate the enterprise by discussing the membership rules, and enforcement of the rules of the SNM Gang; the status of the SNM Gang members and associates who were arrested or incarcerated; the discipline of SNM Gang members; SNM Gang members' encounters with law enforcement and the proposed actions to be taken against them; and plans and agreements regarding the commission of future crimes, including murder, drug distribution, possession of firearms, and assault, as well

as ways to conceal these crimes. *Id.* at ¶ 13(c);

mmm. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the means and methods of the SNM Gang members and associates of the enterprise concealed from law enforcement the way in which the enterprise conducts its affairs; the locations where the enterprise members discussed and conducted the affairs; the locations where enterprise members discussed and conducted the affairs of the enterprise; the locations where enterprise members stored and possessed weapons and narcotics; and the locations where enterprise members maintained the proceeds from narcotics trafficking. *Id.* at ¶ 13(d);

nnn. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the means and methods of the SNM Gang members and associates of the enterprise used violence to impose discipline within the SNM Gang. *Id.* at ¶ 13(e);

ooo. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the means and methods of the SNM Gang members and associates of the enterprise agreed to distribute narcotics and commit other crimes, and to conceal their criminal activities by obstructing justice, threatening and intimidating witnesses, and other means. *Id.* at 13(e);

ppp. All papers, documents or portions of documents, data or photographs containing substance of any relevant discussion of the SNM Gang enterprise, including members and associates, engaging in racketeering activity as defined in 18 U.S.C. §§ 1959(b)(1) and 1961(1), acts and threats involving murder and robbery in violation of New Mexico law, acts indictable under 18 U.S.C. §§ 1503, 1512, and 1513 involving obstruction of justice, tampering with or retaliating against witness, victim, or an informant, and offenses involving trafficking in narcotics in violation of 21 U.S.C. §§ 841 and 846. *Id.* at ¶ 14

**SECOND SUPERSEDING INDICTMENT PARAGRAPH 14: MATERIALS
SUPPORTING THE GOVERNMENT’S ALLEGATIONS THAT SNM WAS AN
ENTERPRISE AND ENGAGED IN ACTS OF RACKETEERING
AND OBSTRUCTION OF JUSTICE**

8. **Documents and Objects (Fed. R. Crim. P. 16(a)(1)(E)(III)).** Un-redacted copies of all books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items thereof, that are relevant, material or exculpatory and therefore necessary to the preparation of an adequate defense or that the government intends to use in its case-in-chief at trial. This request includes, but is not limited to all evidence collected during the investigation of the offenses charged in the Superseding Indictment, which are in possession of law enforcement agencies described in footnote 1 of this motion. *Id.* at ¶ 14.

Defendants respectfully requests that the order include a requirement that the government specifically identify any materials it intends to use in its case-in-chief from

among the materials produced pursuant to Rule 16 and *Brady* requests, both to enable counsel to prepare effectively for trial and to avoid unnecessary investigatory expense to the Court.

Furthermore, Defendants requests that the order include the requirement that if any of these requested documents is also contained in any format other than a paper copy, the original version of the document be made available for inspection and/or that any electronic version be produced.

DISCUSSION

The Defendant is entitled to items in the Government's possession as follows:

Upon a defendant's request, the government must permit the defendant to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items, if the item is within the government's possession, custody, or control and: (i) the item is material to preparing the defense; [or] (ii) the government intends to use the item in its case-in-chief at trial . . .

Fed. R. Crim. P. 16(a)(1)(E). Evidence favorable to the accused with respect to guilt or punishment, upon request to the prosecution, is part of due process. *See generally Brady*, 373 U.S. 83 (holding trial strategy by the prosecution cannot deny a defendant due process or Equal Protection under the Fourteenth Amendment); *see also Giglio*, 405 U.S. at 153-55 (holding the prosecution failed in its duty to present all material evidence to the jury irrespective of good faith or bad faith). Considering *Jencks*, the Supreme Court

stated a defendant is entitled to an order directing the government to produce, for the defense's inspection, all written and recorded reports that touch the events and activities that will be testified to at trial. 353 U.S. at 668-69.

Evidence is considered material "if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. A 'reasonable probability' is a probability sufficient to undermine confidence in the outcome." *United States v. Robinson*, 583 F.3d 1265, 1270 (10th Cir. 2009) (quoting *Pennsylvania v. Ritchie*, 480 U.S. 39, 56 (1987)); see also *United States v. Burton*, 81 F. Supp. 3d 1229, 1244 (D.N.M. 2015) (stating evidence is material under Rule 16 if there is a strong indication that it will play an important role in uncovering admissible evidence, aiding witness preparation, . . . or assisting impeachment or rebuttal.") (quoting *United States v. Graham*, 83 F.3d 1466, 1474, 317 U.S. App. D.C. 418 (D.C. Cir. 1996)) (quoting *United States v. Lloyd*, 992 F.2d 348, 351, 301 U.S. App. D.C. 186 (D.C. Cir. 1993)).

A defendant is not required to show that withheld records would have resulted in his acquittal. See *Robinson*, 583 F.3d at 1270 (citing *Kyles v. Whitley*, 514 U.S. 419, 434 (1995)); see also *United States v. Scott*, No. 92-6272, 1993 U.S. App. LEXIS 26629, at *7, *8 (10th Cir. Oct. 8, 1993) ("a defendant must demonstrate 'some indication that the pretrial disclosure of the disputed evidence [will enable] the defendant significantly to alter the quantum of proof in his favor.'") (quoting *United States v. Ross*, 511 F.2d 757,

763 (5th Cir. 1975), *cert. denied*, 423 U.S. 836 (1975)); *see also* *Burton*, 81 F. Supp. 3d at 1244 (citing *United States v. Graham*, 83 F.3d at 1474) (citing *United States v. Caicedo-Llanos*, 960 F.2d 158, 164 n.4, 295 U.S. App. D.C. 99 (D.C. Cir. 1992)).

CONCLUSION

Wherefore, Defendants respectfully request that this Court order the Government to immediately produce all requested Rule 16 discovery for the first fourteen (14) paragraphs of the Second Superseding Indictment (Doc. 949), as itemized above.

Respectfully submitted,

/s

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was sent via the Court's CM/ECF system to opposing counsel, AUSAs Maria Armijo, Randy Castellano, and Matthew Beck, this 19th day of September 2017.

_____/s_____
Amy Sirignano, Esq.